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17 Attorneys for Plaintiff  
18 UNITED STATES OF AMERICA

19 UNITED STATES DISTRICT COURT

20 FOR THE CENTRAL DISTRICT OF CALIFORNIA

21 UNITED STATES OF AMERICA,

No. 5:25-CR-00198-KK-1, 2, 5

22 Plaintiff,

STIPULATION AND JOINT REQUEST FOR  
A PROTECTIVE ORDER REGARDING  
DISCOVERY CONTAINING PERSONAL  
IDENTIFYING INFORMATION, PRIVACY  
ACT INFORMATION, AND COOPERATING  
WITNESS INFORMATION

23 v.

PROPOSED ORDER FILED SEPARATELY

24 CARLOS VICTOR MESTANZA CERCADO,  
25 JAZAEL PADILLA RESTO,  
aka "Ricardo Noel Moya,"  
aka "Ricardo Barbosa,"  
aka "Alberto Javier Loza  
Chamorro,"  
JORGE ENRIQUE ALBAN,

26 Defendants.

27 Plaintiff, United States of America, by and through its counsel

28 of record, the Acting United States Attorney for the Central

District of California and Assistant United States Attorneys Kevin

J. Butler, and Jena A. MacCabe, and defendants CARLOS VICTOR

MESTANZA CERCADO, JAZAEL PADILLA RESTO, also known as "Ricardo Noel

Moya," "Ricardo Barbosa," and "Alberto Javier Loza Chamorro," and

JORGE ENRIQUE ALBAN ("defendants"), by and through their counsel of

1 record, Adam Axelrad, Elon Berk, and Robert Bernstein, respectively,  
2 (collectively the "parties"), for the reasons set forth below,  
3 request that the Court enter the proposed protective order (the  
4 "Protective Order") governing the use and dissemination of  
5 (1) personal identifying information ("PII") of real persons  
6 pursuant to Federal Rule of Criminal Procedure Rule 16(d)(1),  
7 (2) material that may contain information within the scope of the  
8 Privacy Act, and (3) information related to cooperating witness(es)  
9 who may testify at trial.

10           Introduction and Grounds for Protective Order

11       1. Defendants are charged in this matter with violations of  
12 18 U.S.C. § 371: Conspiracy; 18 U.S.C. § 1951(a): Conspiracy to  
13 Interfere with Commerce by Robbery and Interference with Commerce by  
14 Robbery; and 18 U.S.C. § 659: Theft from Interstate or Foreign  
15 Shipment. Defendants MESTANZA and PADILLA are detained pending  
16 trial, and defendant ALBAN is released on bond pending trial.

17       2. A protective order is necessary because the government  
18 intends to produce to the defense materials regarding cooperating  
19 witnesses who may testify at trial. Because these materials could  
20 be used to identify the cooperating witnesses, the government  
21 believes that the unauthorized dissemination or distribution of the  
22 materials may expose him/her to potential safety risks.

23       3. A protective order is also necessary because the  
24 government intends to produce to the defense materials containing  
25 third parties' PII. The government believes that disclosure of this  
26 information without limitation risks the privacy and security of the  
27 information's legitimate owners. Because the government has an  
28 ongoing obligation to protect third parties' PII, the government

1 cannot produce to defendants an unredacted set of discovery  
2 containing this information without the Court entering the  
3 Protective Order. Moreover, PII makes up a significant part of the  
4 discovery in this case and such information itself, in many  
5 instances, has evidentiary value. If the government were to attempt  
6 to redact all this information in strict compliance with Federal  
7 Rule of Criminal Procedure 49.1, the Central District of  
8 California's Local Rules regarding redaction, and the Privacy Policy  
9 of the United States Judicial Conference, the defense would receive  
10 a set of discovery that would be highly confusing and difficult to  
11 understand, and it would be challenging for defense counsel to  
12 adequately evaluate the case, provide advice to defendants, or  
13 prepare for trial.

14 4. An order is also necessary because the government intends  
15 to produce to the defense materials that may contain information  
16 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act  
17 Information"). To the extent that these materials contain Privacy  
18 Act Information, an order is necessary to authorize disclosure  
19 pursuant to 5 U.S.C. § 552a(b) (11).

20 5. The purpose of the Protective Order is to (a) allow the  
21 government to comply with its discovery obligations while protecting  
22 this sensitive information from unauthorized dissemination, and  
23 (b) provide the defense with sufficient information to adequately  
24 represent defendants.

25 Definitions

26 6. The parties agree to the following definitions:

27 a. "CW Materials" includes any information relating to a  
28 cooperating witness's prior history of cooperation with law

1 enforcement, prior criminal history, statements, or any other  
2 information that could be used to identify a cooperating witness,  
3 such as a name, image, address, date of birth, or unique personal  
4 identification number, such as a Social Security number, driver's  
5 license number, account number, or telephone number.

6 b. "PII Materials" includes any information that can be  
7 used to identify a person, including a name, address, date of birth,  
8 Social Security number, driver's license number, telephone number,  
9 account number, email address, or personal identification number.

10 c. "Confidential Information" refers to any document or  
11 information containing CW Materials or PII Materials that the  
12 government produces to the defense pursuant to this Protective Order  
13 and any copies thereof.

14 d. "Defense Team" includes (1) each defendant's counsel  
15 of record ("defense counsel"); (2) other attorneys at defense  
16 counsel's law firm who may be consulted regarding case strategy in  
17 this case; (3) defense investigators who are assisting defense  
18 counsel with this case; (4) retained experts or potential experts;  
19 and (5) paralegals, legal assistants, and other support staff to  
20 defense counsel who are providing assistance on this case. The  
21 Defense Team does not include defendants, defendants' family  
22 members, or any other associates of defendants.

23 Terms of the Protective Order

24 7. The parties jointly request the Court enter the Protective  
25 Order, which will permit the government to produce Confidential  
26 Information in a manner that preserves the privacy and security of  
27 third parties. The parties agree that the following conditions in  
28 the Protective Order will serve these interests:

1                   a. The government is authorized to provide defense  
2 counsel with Confidential Information marked with the following  
3 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE  
4 ORDER." The government may put that legend on the digital medium  
5 (such as DVD or hard drive) or simply label a digital folder on the  
6 digital medium to cover the content of that digital folder. The  
7 government may also redact any PII contained in the production of  
8 Confidential Information.

9                   b. If any defendant objects to a designation that  
10 material contains Confidential Information, the parties shall meet  
11 and confer. If the parties cannot reach an agreement regarding  
12 defendant's objection, defendant may apply to the Court to have the  
13 designation removed.

14                   c. Each defendant and the Defense Team agree to use the  
15 Confidential Information solely to prepare for any pretrial motions,  
16 plea negotiations, trial, and sentencing hearing in this case, as  
17 well as any appellate and post-conviction proceedings related to  
18 this case.

19                   d. The Defense Team shall not permit anyone other than  
20 the Defense Team to have possession of Confidential Information,  
21 including defendants, while outside the presence of the Defense  
22 Team.

23                   e. Each defendant may review PII Materials or CW  
24 Materials only in the presence of a member of the Defense Team, who  
25 shall ensure that defendant is never left alone with any PII  
26 Materials or CW Materials. At the conclusion of any meeting with  
27 defendant at which defendant is permitted to view PII Materials or  
28 CW Materials, defendant must return any PII Materials or CW

1 Materials to the Defense Team, and the member of the Defense Team  
2 present shall take all such materials with him or her. Defendant  
3 may not take any PII Materials or CW Materials out of the room in  
4 which defendant is meeting with the Defense Team. At no time, under  
5 no circumstance, will any Confidential Information be left in the  
6 possession, custody, or control of defendant, regardless of  
7 defendant's custody status.

8 f. Each defendant may see and review Confidential  
9 Information as permitted by this Protective Order, but defendant may  
10 not copy, keep, maintain, or otherwise possess any Confidential  
11 Information in this case at any time. Defendant also may not write  
12 down or memorialize any data or information contained in the  
13 Confidential Information.

14 g. The Defense Team may review Confidential Information  
15 with a witness or potential witness in this case, including  
16 defendants. A member of the Defense Team must be present if PII  
17 Materials or CW Materials are being shown to a witness or potential  
18 witness. Before being shown any portion of Confidential  
19 Information, however, any witness or potential witness must be  
20 informed of the requirements of the Protective Order. No member of  
21 the Defense Team shall permit a witness or potential witness to  
22 retain Confidential Information or any notes generated from  
23 Confidential Information.

24 h. The Defense Team shall maintain Confidential  
25 Information safely and securely, and shall exercise reasonable care  
26 in ensuring the confidentiality of those materials by (1) not  
27 permitting anyone other than members of the Defense Team,  
28 defendants, witnesses, and potential witnesses, as restricted above,

1 to see Confidential Information; (2) not divulging to anyone other  
2 than members of the Defense Team, defendants, witnesses, and  
3 potential witnesses, the contents of Confidential Information; and  
4 (3) not permitting Confidential Information to be outside the  
5 Defense Team's offices, homes, vehicles, or personal presence. CW  
6 Materials shall not be left unattended in any vehicle.

7 i. To the extent that any defendant, the Defense Team,  
8 witnesses, or potential witnesses create notes that contain, in  
9 whole or in part, Confidential Information, or to the extent that  
10 copies are made for authorized use by members of the Defense Team,  
11 such notes, copies, or reproductions become Confidential Information  
12 subject to the Protective Order and must be handled in accordance  
13 with the terms of the Protective Order.

14 j. The Defense Team shall use Confidential Information  
15 only for the litigation of this matter and for no other purpose.  
16 Litigation of this matter includes any appeal filed by any defendant  
17 and any motion filed by any defendant pursuant to 28 U.S.C. § 2255.  
18 In the event that a party needs to file Confidential Information  
19 with the Court or divulge the contents of Confidential Information  
20 in court filings, the filing should be made under seal. If the  
21 Court rejects the request to file such information under seal, the  
22 party seeking to file such information publicly shall provide  
23 advance written notice to the other party to afford such party an  
24 opportunity to object or otherwise respond to such intention. If  
25 the other party does not object to the proposed filing, the party  
26 seeking to file such information shall redact any CW Materials or  
27 PII Materials and make all reasonable attempts to limit the  
28 divulging of CW Materials or PII Materials.

1                   k. The parties agree that any Confidential Information  
2 inadvertently produced in the course of discovery prior to entry of  
3 the Protective Order shall be subject to the terms of the Protective  
4 Order. If Confidential Information was inadvertently produced prior  
5 to entry of the Protective Order without being marked "CONFIDENTIAL  
6 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government  
7 shall reproduce the material with the correct designation and notify  
8 defense counsel of the error. The Defense Team shall take immediate  
9 steps to destroy the unmarked material, including any copies.

10                  l. The parties agree that if any Confidential  
11 Information contains both CW Materials and another category of  
12 Confidential Information, the information shall be handled in  
13 accordance with the CW Materials provisions of the Protective Order.

14                  m. Confidential Information shall not be used by the  
15 defendants or Defense Team, in any way, in any other matter, absent  
16 an order by this Court. All materials designated subject to the  
17 Protective Order maintained in the Defense Team's files shall remain  
18 subject to the Protective Order unless and until such order is  
19 modified by this Court. Within 30 days of the conclusion of  
20 appellate and post-conviction proceedings, defense counsel shall  
21 return all PII Materials or CW Materials, certify that such  
22 materials have been destroyed, or certify that such materials are  
23 being kept pursuant to the California Business and Professions Code  
24 and the California Rules of Professional Conduct.

25                  n. In the event that there is a substitution of counsel  
26 prior to when such documents must be returned, new defense counsel  
27 must be informed of, and agree in writing to be bound by, the  
28 requirements of the Protective Order before the undersigned defense

1 counsel transfers any Confidential Information to the new defense  
2 counsel. New defense counsel's written agreement to be bound by the  
3 terms of the Protective Order must be returned to the Assistant U.S.  
4 Attorney assigned to the case. New defense counsel then will become  
5 the Defense Team's custodian of materials designated subject to the  
6 Protective Order and shall then become responsible, upon the  
7 conclusion of appellate and post-conviction proceedings,  
8 for: returning to the government, certifying the destruction of, or  
9 retaining pursuant to the California Business and Professions Code  
10 and the California Rules of Professional Conduct all PII Materials  
11 or CW Materials.

12 o. Defense counsel agrees to advise each defendant and  
13 all members of the Defense Team of their obligations under the  
14 Protective Order and ensure their agreement to follow the Protective  
15 Order, prior to providing defendant and members of the Defense Team  
16 with access to any materials subject to the Protective Order.

17 p. Defense Counsel has conferred with defendants  
18 regarding this stipulation and the proposed order thereon, and  
19 defendants agree to the terms of the proposed order.

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1           q. Accordingly, the parties have agreed to request that  
2 the Court enter a protective order in the form submitted herewith.

3           IT IS SO STIPULATED.

4           DATED: September 9, 2025

BILAL A. ESSAYLI  
Acting United States Attorney

JOSEPH T. McNALLY  
Assistant United States Attorney  
Acting Chief, Criminal Division

8           /s/  
9

10           KEVIN J. BUTLER  
11           JENA A. MACCABE  
12           Assistant United States Attorneys  
13  
14           Attorneys for Plaintiff  
15           UNITED STATES OF AMERICA

DATED: September 9, 2025

/s/ (w/ email auth.)

ADAM AXELRAD  
Attorney for Defendant  
CARLOS VICTOR MESTANZA CERCADO

DATED: September 9, 2025

/s/ (w/ email auth.)

ELON BERK  
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JAZAEL PADILLA RESTO, aka  
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Barbosa," and "Alberto Javier  
Loza Chamorro"

DATED: September 9, 2025

/s/ (w/ email auth.)

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